

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CR. NO. 7:13-cr-00070-1
	§	
JONATHAN CHRISTIAN TREVINO	§	

MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANTS MOTION IN LIMINE - EXTRANEEOUS ACTS

TO THE HONORABLE JUDGE OF SAID COURT:

United States v. Robinson, 700 F.2d 205 (5th Cir. 1983) held that before the introduction of prior evidence and other acts under Rule 404(b) there must be "on-the-record articulation by the trial court of Beechum's (see: United States v. Beechum, 582 F.2d 898, (5th Cir. 1978), (en banc), cert denied, 440 U.S. 920, 99 S.Ct. 1244, 59 L.Ed.2d 472 (1979)) prohibited value/prejudice inquiry when requested by a party."

Thus, it is clear that prior to any introduction of evidence regarding "prejudice-probity" the court must first pass on the admissibility of the evidence in the absence of the jury.

The Government should be probative from alluding to previous prior acts unless it complies with the dictate of U.S. v. Robinson, supra.

Respectfully submitted,

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ROBERTO J. YZAGUIRRE
ADMISSIONS I.D. #4049
STATE BAR #22234000

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion in Limine - Extraneous Acts and Memorandum was this 13th day March, 2013, forwarded to Mr. James Sturgis, Assistant United States Attorney, McAllen, Texas.

/s/Roberto J. Yzaguirre
ROBERTO J. YZAGUIRRE